

FORM

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

v. : CIVIL ACTION
 :
 : NO.
 :
 :

REPORT OF RULE 26(f) MEETING

In accordance with Federal Rule of Civil Procedure 26(f), counsel for the parties conferred on (date) and submit the following report of their meeting for the Court's consideration at the initial pretrial conference on (date):

1. Discussion of Specific Claims, Defenses and Relevant Issues

You should assume that the court has read the complaint, pending motions and is familiar with the claims. However, the facts supporting those claims and defenses are unknown. Therefore, counsel shall set forth concisely the factual background that the parties contend support their claims and defenses.

Summarize your discussion of primary issues, threshold issues and those issues on which the parties will need to conduct discovery. Identify what information each party needs in discovery as well as when and why.

2. Informal Disclosures

Describe the parties' compliance on timing, form and scope of informal disclosures.

3. Formal Discovery

Describe core discovery of the parties taken to date by both parties. Indicate nature, sequence and timing of written discovery, as well as any need to conduct discovery in phases to prepare for the filing of motions or for settlement discussions. Specifically delineate what discovery will be conducted formally.

The discovery deadline will normally be no more than sixty to ninety days from the date of the initial pretrial conference. If the parties believe there are compelling reasons for a longer period of discovery, state them.

The parties are required to address procedures to preserve electronically stored information, to avoid inadvertent privilege waivers, and to determine the form in which electronic information will be produced. The cost of producing the information must be discussed.

4. Electronic Discovery

It is expected that the parties will reach an agreement on how to conduct electronic discovery. In the event the parties cannot reach such an agreement before the Rule 16 scheduling conference, the court will enter an order incorporating default standards. The default order can be viewed under Judge Kearney's policies at www.paed.uscourts.gov.

5. Expert Witness Disclosures

Indicate agreement on timing and sequence of disclosure of the identity and anticipated testimony of expert witnesses, including whether depositions of experts will be needed.

The parties should expect that the court requires expert reports to be exchanged simultaneously, witness rebuttal reports required shortly thereafter, and expert discovery to be completed with fact discovery.

6. Settlement or Resolution

The parties must familiarize themselves with Local Rule 53.3 before responding. Recite the parties' demands and offers to date, discussion of resolution through ADR or otherwise. Explain what steps were taken by counsel to advise the client of ADR options.

Fully explain any decision not to seek early resolution and when mediation would be appropriate.

7. Trial

A firm trial date will be scheduled at or shortly after the pre-trial conference. Please advise of any pre-paid vacation, medical plans or other irreversible conflict for you or your client in the following five (5) to eight (8) months.

8. Referral to Magistrate Judge

Please provide a statement whether all parties agree to a referral of this case to U.S. Magistrate Judge Heffley for trial.¹

¹ Magistrate Judges are authorized, with agreement of the parties, to try any civil case, jury or non-jury, with appeals filed directly with the Court of Appeals. All cases assigned to

9. Other Matters

Indicate discussion and agreement on matters not addressed above, but which will affect the just and timely resolution of the case.

(Counsel for Plaintiff)

(Counsel for Defendant)

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Judge Heffley are given a firm trial date.